

PTO/SB/08A (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/666,804
Filing Date	9/19/2003
First Named Inventor	Herbert E. Schwartz
Art Unit	1623
Examiner Name	
Attorney Docket Number	FZIO-01000US6

Sheet 1 of 1

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
Jre	A1	US- 4,024,073	05-17-1977	Shimizu et al.	
	A2	US- 5,156,839	10-20-1992	Pennell et al.	
	A3	US- 5,532,221	07-02-1996	Huang et al.	
	A4	US- 5,550,178	08-27-1996	Desai et al.	
	A5	US- 5,709,854	07-20-1998	Griffith-Cima et al.	
Jre		US-			
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FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
Jre	B1	EP0189553	08-06-1986	Hirasawa		
	B2	WO9858011 A	12-23-1998	Schwartz		
Jre						

Examiner Signature	L. E. Crane	Date Considered	06/09/2006
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No.: FZIO-01000US6

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10/666,804 - PTO-1449 #1

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Form PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEAttorney Docket Number
FZIO-01000US6Serial/Patent Number
10/666,804Applicant/Patent Owner
Schwartz, et al.Filing/Issue Date
September 19, 2003Group Art Unit
1623Information Disclosure Statement
BY APPLICANT
(Use several sheets if necessary)

U.S. PATENTS

Examiner Initial	AA#	Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
<i>MC</i>	1	3,064,313	11/20/62	Butler	18	57	6/14/60
	2	3,328,259	6/27/67	Anderson	167	84	1/8/64
	3	3,387,061	6/4/68	Smith, et al.	260	874	9/8/58
	4	4,024,073	5/17/77	Shimizu, et al.	252	316	2/21/75
	5	4,181,718	1/1/80	Mason, et al.	424	180	2/13/78
	6	4,442,258	4/10/84	Sumakawa, et al.	524	767	7/3/80
	7	4,585,858	4/29/86	Molotsky	536	401	1/11/71
	8	4,610,863	9/9/86	Tewari, et al.	423	338	9/4/85
	9	4,616,644	10/14/86	Saferstein, et al.	128	156	6/14/85
	10	4,684,558	8/4/87	Keusch, et al.	428	40	6/30/86
	11	4,713,243	12/15/87	Schiraldi, et al.	424	676	6/16/86
	12	4,768,523	9/6/88	Cahalan, et al.	128	785	12/15/86
	13	4,772,419	9/20/88	Malson, et al.	252	315.1	2/21/86
	14	4,853,374	8/1/89	Allen	514	57	6/9/87
	15	4,937,254	6/26/90	Sheffield, et al.	514	420	1/26/88
	16	4,937,270	6/26/90	Hamilton, et al.	514	777	9/18/97
	17	4,983,585	1/8/91	Pennell, et al.	514	57	11/3/88
	18	5,017,229	5/21/91	Burns, et al.	106	162	6/25/90
	19	5,066,709	11/19/91	Chaudhuri, et al.	524	516	
	20	5,068,225	11/26/91	Pennell, et al.	514	57	8/10/90
	21	5,080,893	1/14/86	Goldberg, et al.	514	57	7/19/90
<i>Pre</i>	22	5,093,319	3/3/92	Higham, et al.	514	55	1/24/91

Examiner L. E. Crane *LE Crane*

Date Considered 06/09/2006

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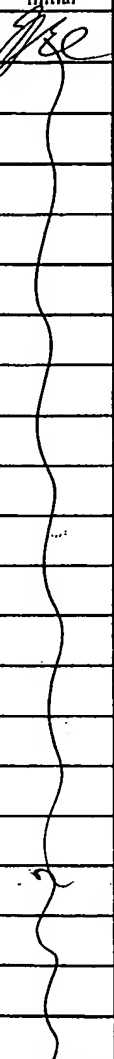
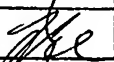
*1 = Copy not submitted because it was submitted in prior application SN / , filed , 20 , relied on under 35 USC §120.

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Form PTO-1449 (Supplemental)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket Number FZIO-01000US6	Patent Number 666,804
Information Disclosure Statement BY APPLICANT (Use several sheets if necessary)		Applicant/Patent Owner Schwartz, et al.	
		Filing/Issue Date September 19, 2003	Group Art Unit 1623

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U.S. PATENTS							
Examiner Initial	BB#	Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	23	5,140,016	8/18/92	Goldberg, et al.	514	57	5/8/91
	24	5,266,326	11/30/93	Barry, et al.	424	423	6/30/92
	25	5,298,488	3/29/94	Kojima, et al.	514	8	10/23/91
	26	5,354,790	10/11/94	Keusch, et al.	523	300	8/31/92
	27	5,356,883	10/18/94	Kuo, et al.	514	54	07/28/92
	28	5,374,446	12/20/94	Ferenz, et al.	426	611	12/10/93
	29	5,462,749	10/31/95	Rencher	424	484	4/26/94
	30	5,502,081	3/26/96	Kuo, et al.	514	777	08/18/94
	31	5,621,093	04/15/97	Swann, et al.	536	55.2	06/06/95
	32	5,681,873	10/28/97	Norton, et al.	523	115	10/14/93
	33	5,711,958	1/27/98	Cohn, et al.	424	423	7/11/96
	34	5,800,832	9/1/98	Tapolsky, et al.	424	449	10/18/96
	35	5,874,417	2/23/99	Prestwich, et al.	514	54	5/10/96
	36	5,906,997	5/25/99	Schwartz, et al.	514	781	6/17/97
	37	5,985,312	11/16/99	Jacob, et al.	424	434	1/26/96
	38	5,942,253	8/24/99	Gombotz, et al.	424	501	10/12/95
	39	5,955,096	9/21/99	Santos, et al.	424	434	6/25/96
	40	5,968,500	10/19/99	Robinson	424	78.08	10/15/97
	41	6,017,301	1/25/00	Schwartz, et al	514	781	2/13/98
	42	6,034,140	3/7/00	Schwartz	514	781	2/13/98
43	6,133,325	10/17/00	Schwartz	514	781	2/18/99	
	44	6,869,938	3/22/05	Schwartz	514	57	12/27/99

U.S. PATENT PUBLICATIONS				
Examiner Initial	CC#	Patent Application Publication Number	Publication Date	Applicant
<i>[Handwritten signature]</i>	1	US2005/0074495	April 7, 2005	Schwartz

Examiner L. E. Crane *[Handwritten signature]* Date Considered 06/09/2006

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*1 = Copy not submitted because it was submitted in prior application SN / filed 20 relied on under 35 USC 6120

Form PTO-1449 (Substituted)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket Number FZIO-01000US6	Serial/Patent Number 10/666,804
Information Disclosure Statement BY APPLICANT (Use several sheets if necessary)		Applicant/Patent Owner Schwartz, et al.	
		Filing/Issue Date September 19, 2003	Group Art Unit 1623

PENDING U.S. PATENT APPLICATIONS

Examiner Initial	Application Number	Filing Date	First Named Inventor	Petition to Expunge? Yes No

FOREIGN PATENT DOCUMENTS

Examiner Initial	CC#	Document Number	Publication Date	Country	Class	Subclass	Translation Yes No	
Jre	2	EP 0 138 572 A2	4/24/85	European Patent Office	C 08 B 37	08		
	3	EP 0 265 561 A1	10/27/86	European Patent Office	C 08B 37	08		
	4	EP 0 264 719 A2	4/27/88	European Patent Office	F04B9	117A		
	5	EP 0 193 510 A1	9/3/86	European Patent Office	C 08	B37/08		
	6	EP 0 581 581 A2	2/2/94	European Patent Office				
	7	JP 9-241973A	9/16/97	Japan				
	8	WO 84/03302	8/30/84	WIPO	C12P 19	04		
	9	WO 86/00912	2/13/86	WIPO	C 08 B 37	00		
	10	WO 89/02445	3/23/89	WIPO	C 08 B 37	08		
	11	WO 90/10020	9/7/90	WIPO	C 08B 37	08		
	12	WO 97/23564	7/3/97	WIPO	C 08L	63		
	13	WO 97/01345	6/1996	WIPO	A61K	35/78		

OTHER DOCUMENTS (include author (if any), title, publisher and place of publication, date and pertinent pages)

1	DD	Elkins, et al., Adhesion prevention by solutions of sodium carboxymethylcellulose in the rat. I. Fertility and Sterility, Vol. 41, No. 6, 926-928, June 1984
2	DD	Wiseman, Polymers for the Prevention of Surgical Adhesions, Johnson & Johnson Medical, Inc., Arlington, Texas, 369-421
3	DD	Morrill, Poly(Ethylene Oxide) and Blood Contact, A Chronicle of One Laboratory, 199-229
4	DD	Chaikof, Platelet Interaction with Poly(ethylene Oxide) Networks, AIChE Journal, Vol. 36, No. 7, 994-1002, July 1990
5	DD	Bottenberg, et al., Development and Testing of Bioadhesive, Fluoride-containing Slow-release Tablets for Oral Use, J. Pharm. Pharmacol., 43:457-464, 1991
6	DD	Amiji, Permeability and blood compatibility properties of chitosan-poly(ethylene oxide) blend membranes for haemodialysis, Biomaterials, 16, 593-599, 1995
7	DD	Blockman, et al., Carboxymethylcellulose in the Free Acid Form, Industrial and Engineering Chemistry, Vol. 45, No. 10, 2287-2290

Examiner L. E. Crane	Date Considered 06/09/2006
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** Incomplete citation: date information or other essential data missing.
Resubmission is respectfully requested.

Form PTO-1449 (Continued)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket Number FZIO-01000US6	Serial/Patent Number 10/666,804
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OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

8 DD	Gurny, et al., <i>Bioadhesive intraoral release systems: design, testing and analysis</i> , Biomaterials, Vol. 5, 336-340, 1984
9 DD	Chen, et al., <i>Compositions Producing Adhesion Through Hydration</i> , 163-181
10 DD	Kulicke, et al., <i>Characterization of aqueous carboxymethylcellulose solutions in terms of their molecular structure and its influence on rheological behavior</i> , Polymer, Vol. 37, Number 13, 2723-2731, 1996
11 DD	Ohno, et al., <i>Interpolymer Complex Formation of Polysaccharides with Poly(ethylene oxide) or Poly(1-vinyl-2-pyrrolidone) through Hydrogen Bond</i> , Makromol. Chem., Rapid Commun., 2, 511-515, 1981
12 DD	<i>Aquation, Sodium Carboxymethylcellulose, Physical and Chemical Properties</i> , Hercules, Inc., 1-27
13 DD	Didishelm, et al., <i>Hematologic and Coagulation Studies in Various Animal Species</i> , J. Lab. & Clin. Med., 866-875, June 1959
14 DD	Harris, et al., <i>Analysis of the Kinetics of peritoneal adhesion formation in the rat and evaluation of potential antiadhesive agents</i> , Surgery, 663-669, June 1995
15 DD	Becker, et al., <i>Prevention of Postoperative Abdominal Adhesions by a Sodium Hyaluronate-based Bioresorbable Membrane: A Prospective, Randomized, Double-Blind Multicenter Study</i> , Journal of American College of Surgeons, Vol. 183, 297-306, October 1996
16 DD	INTERCEED (TC7) Adhesion Barrier Study Group, <i>Prevention of postsurgical adhesions by INTERCEED (TC7), * an absorbable adhesion barrier: a prospective, randomized multicenter clinical study</i> , Fertility and Sterility, Vol. 51, No. 6, 933-938, June 1989
17 DD	Diamond, et al., <i>Reduction of adhesions after uterine myomectomy by Seprafilm* membrane (HAL-F): a blinded, prospective, randomized, multicenter clinical study</i> , Fertility and Sterility, Vol. 66, No. 6, 904-910, December 1996
18 DD	Sung, et al., <i>Swelling properties of hyaluronic acid ester membranes</i> , Journal of Membrane Science, 92, 157-167, 1994.
19 DD	Braun, <i>Poly (Ethylene Oxide)</i> , Union Carbide Corporation, Union Carbide Chemical and Plastics Company, Inc., Specialty Chemicals Division, (Reprinted from Handbook of Water-Soluble Gums and Resins), pp. 19-1 - 19-33
20 DD	<i>Polyox Water-soluble Resins</i> , Association Compounds, Union Carbide Chemicals Division, p. 22, 1991
21 DD	<i>Sepra film™ Bioresorbable Membrane, Product Monograph for the Reduction of Postsurgical Adhesions</i> , Genzyme Corporation, 1-29, 1996
22 DD	Kitano, et al., <i>Viscous Carboxymethylcellulose in the Prevention of Epidural Scar Formation</i> , Spine, Vol. 16, No. 7, July 1991
23 DD	<i>Hercules Cellulose Gum, Sodium Carboxymethylcellulose, Chemical and Physical Properties</i> , Hercules, Inc., 1-31, 1984
24 DD	Takayma, et al., <i>Effect of Interpolymer Complex Formation on Bioadhesive Property and Drug Release Phenomenon of Compressed Tablet Consisting of Chitosan and Sodium Hyaluronate</i> , Chem. Pharm. Bull., 38(7), 1993-1997, 1990
25 DD	Aurora, et al., <i>Pathology of Peritoneal Adhesions - An Experimental Study</i> , Indian J. Med. Res., 62, 4, 539-544, April 1974
26 DD	Harland, et al., <i>Polyelectrolyte Gels, Properties, Preparation, and Applications</i> , American Chemical Society Symposium Series, November 11-16, 1990, 480
27 DD	Feddersen, et al., <i>Sodium Carboxymethylcellulose</i> , Industrial Gums, Polysaccharides and Their Derivatives, Third Edition, 537-579, 1993
28 DD	Steizer, et al., <i>Carboxymethylcellulose</i> , Handbook of Water-Soluble Gums and Resins Chapter 4, pp. 4-1 - 4-28, 1980

Examiner L. E. Crane *L. E. Crane* Date Considered 06/09/2006

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Resubmission is respectfully requested.

Form PTO-1449 (Submittal)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket Number FZIO-01000US6	Serial/Patent Number 10/666,804
Information Disclosure Statement BY APPLICANT (Use several sheets if necessary)		Applicant/Patent Owner Schwartz, et al.	
		Filing/Issue Date September 19, 2003	Group Art Unit 1623

OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

29 DD	Danishefsky, et al., <i>Conversion of Carboxyl Groups of Mucopolysaccharides into Amides of Amino Acid Esters</i> , Carbohydr. Res., 16, 199-205, 1971
30 DD	Tsuchida, et al., <i>Interactions Between Macromolecules in Solution and Intermacromolecular Complexes</i> , Advance Polymer Science, 45-122, 1982
31 DD	Anseth, et al., <i>Mechanical properties of hydrogels and their experimental determination</i> , Biomaterials, 17, 1647-1657, 1996
@@ 32 DD	Kofinas, et al., <i>Development of methods for quantitative characterization of network morphology in pharmaceutical hydrogels</i>, Biomaterials, Vo. 18, No. 20, 1361-1369
33 DD	Agrawal, et al., "Technique to Control pH in Vicinity of Biodegrading PLA-PGA Implants," John Wiley & Sons, Inc., 1997, pp. 105-114.
34 DD	Hunt, et al., "Silica Aerogel, A Transparent High Performance Insulator," Proceedings of the International Solar Energy Society World Congress, Sept. 13-18, 1987, Hamburg, West Germany, pp. 1-5.
35 DD	Tewari, et al., "Microstructural Studies of Transparent Silica Gels and Aerogels," Proceedings of the 1986 Spring Meeting of the Materials Research Society, April 15-19, 1986, Palo Alto, CA., pp. 1-11.
36 DD	Hunt, et al., "Process Considerations in Monolithic Aerogels," Materials Research Society, 1988, Materials Research Society Symposium, Vol. 121, pp. 679-684.
37 DD	Lenaerts, Ph.D., et al., "Bioadhesive Drug Delivery Systems," CRC Press, Inc., 1990, pp. 25-168.
@@ 38 DD	Lofthus, et al., "Colloidal and Kinetic Principles of Sol-Gel Processing," Advanced Materials '90, March, 1990.

Examiner L. E. Crane

Date Considered 06/09/2006

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AAA1		Elkins, et al., <i>Adhesion prevention by solutions of sodium carboxymethylcellulose in the rat. II. Fertility and Sterility</i> , Vol. 41, No. 6, 929-932, June 1984					
Examiner L. E. Crane				Date Considered 06/09/2006			
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*2 = Copy not submitted because it was submitted in prior application SN /_____, filed _____, 20____, relied on under 35 USC §120.							



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1FW
1 of 2

In re Application

Inventors: Schwartz, et al.

Appl. No.: 10/666,804

Confirm. No.: 8739

Filed: September 19, 2003

Title: COMPOSITIONS OF POLYACIDS AND
POLYETHERS AND METHODS FOR THEIR
USE IN REDUCING ADHESIONS

PATENT APPLICATION

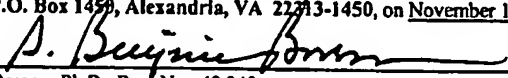
Art Unit: 1623

Examiner: Owens, J. Howard V.

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

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 (Attorney Signature)
D. Benjamin Borson, Ph.D., Reg. No.: 42,349
Signature Date: November 15, 2005

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

Enclosed with this statement are the following:

- ☒ International Search Report (dated Sept. 2, 2005) and the Written Opinion of the International Searching Authority for International Application No. PCT/US04/30839 (Attorney Doc. No. FZIO-01000WO1).
- ☐ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ The present application is being/was filed after June 30, 2003. In accordance with the pre-official gazette waiver of 37 CFR 1.98 (a)(2)(i) posted at: pac/dapp/opla/preognotice/idswouscopies.htm,

EXAMINER L. E. Crane 

DATE CONSIDERED 06/09/2006

Attorney Docket No.: FZIO-01000US6
dbb/fzio/1000us6/1000US6.103.wpd

- 1 -

104.001:123103

2 of 2

copies of cited U.S. patents and publications are not enclosed. However, copies of cited foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98(a)(2), as still required, except for those items designated by an asterisk (*), which were previously submitted by the applicant in a parent application, from which benefit under 35 U.S.C. §120 is claimed, with an *Information Disclosure Statement* submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c), as allowed under 37 C.F.R. §1.98(d)(1).

- ✓ If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

This statement should be considered because:

- ✓ 37 C.F.R. §1.97(b). This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

- ✓ **Fee Authorization.** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

FLIESLER MEYER LLP

Date: NOV. 15, 2005

By: D. Benjamin Borson
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EXAMINER L. E. Crane

DATE CONSIDERED 06/09/2006

Attorney Docket No.: FZIO-01000US
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